



United States Attorney
Southern District of New York

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September 14, 2017

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Radar Online, LLC v. FBI*, 17 Civ. 3956 (PGG)

Dear Judge Gardephe:

This action is filed by Radar Online, LLC and James Robertson under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, relating to a request Plaintiff Robertson made to the Federal Bureau of Investigation (“FBI”) for all documents relating to the FBI’s investigation and prosecution of Jeffrey Edward Epstein (“Epstein Request”). On September 7, 2017, the Court held an initial pretrial conference during which the Court ordered the parties to submit a proposed stipulation as to how the parties intend to proceed with this matter. The parties write jointly to inform the Court that they have agreed that the FBI will process and provide documents from certain of the FBI’s files, as per the terms in the attached proposed stipulation. The only issue that the parties have been unable to resolve, however, is the number of pages that will be processed by the FBI on the monthly basis. The FBI has proposed that it will process 500 pages per month while Plaintiffs propose that the FBI process 1,000 pages per month. The proposed stipulation provides for 500 pages per month, as a fallback, but the parties seek to have the Court make that decision on their behalf.

The FBI proposes processing 500 pages per month because the FBI’s Record/Information Dissemination Section (“RIDS”) practice for the release of records under FOIA involves multi-tract processing (based on volume), in conjunction with processing requests on a first-in, first-out basis. The FBI has determined that this practice allows it to review and release more pages to more requesters each month, and helps keep all requests steadily moving forward, thereby preventing a juggernaut. Notably, the FBI receives approximately 20,000 FOIA requests each year, and the FBI is currently litigating over 200 FOIA cases, many of which are being processed at 500 pages per month. Therefore, should the FBI process more than 500 pages per month in this case, it would be to the detriment of other requesters.

Plaintiff's position is that, given the size of the universe and the agency's stated inability to further narrow the categories of information, 1,000 documents per month would be a reasonable production schedule and would avoid extending the process for years.

We thank the Court for consideration of this matter.

Respectfully submitted,

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